Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

JUDGE'S ORDER NO. 488 OF 2007
IN
SUMMARY SUIT NO. 211 OF 2005

Naresh Punwani & Anr. ..Plaintiffs

versus

M/s. Giltedge Management Services Ltd. ..Defendants

Mr. Naushad Engineer i/b. M/s. Desai & Chinoy for the Plaintiffs.

Ms. D. Dey for the Official Liquidator.

CORAM : S. A. BOBDE, J.
DATE : 20TH DECEMBER, 2007.

P.C.

. Heard.

2. In view of the fact that the plaintiffs - decree holders were pursuing the permission to proceed with the execution proceedings under Section 446 of the Companies Act and since that took some time and was granted some time on 26.11.2007, there has been a delay in levying this execution. There is no dispute that the decree has been passed and there is no stay operating on the said decree.

Hence, it would be appropriate to permit the Plaintiffs to execute the decree dated 20.12.2005 in Summary Suit No. 211 of 2005 before sealing of the decree as provided under Rule 314 of the Bombay High Court Original Side Rules, particularly with regard to the fact that the period of two years contemplated by Order XXI Rule 22 is due to expire today. Order accordingly.

3. Judge’s Order disposed of.

(S. A. BOBDE, J.)